

REMARKS

Claims 1-12 are pending in this application.

Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over *Arai et al.* (“*Arai*”) (U.S. Patent No. 5,929,906) in view of *Takahashi et al.* (“*Takahashi*”) (U.S. Patent No. US 6,987,567 B2). As will be explained in more detail below, the combination of *Arai* in view of *Takahashi* would not have rendered the subject matter defined in independent claims 1, 5, 6, and 10-12 obvious to one having ordinary skill in the art.

In the Final Office Action, the Examiner states “*Takahashi* clearly states [see *Takahashi*, col. 7, lines 1-5, Fig. 12] that the color difference index may be calculated by taking the color difference between the data on the two L*a*b areas [L*a*b as disclosed in the Applicants specification in page 22 lines 23-24 may be colorimetric values] instead of using the spectral reflectance’s to calculate the color difference index.” Final Office Action at page 3.

Applicants acknowledge that *Takahashi* describes showing the color difference on the screen. Nevertheless, as stated in column 2, line 56 through column 3, line 38, *Takahashi* intends to solve the problem that the color difference calculated from the colorimetric values is not suitable to attain good color appearance, and to use an evaluation value based on the spectral reflectance. As such, *Takahashi* teaches away from the feature of the claimed subject matter that the color difference index is not calculated from differences in spectral reflectance of the sample color and comparative color, but rather is calculated from differences in colorimetric value of the sample color and the comparative color. Thus, with regard to independent claims 1, 6, 11, and 12, the combination of *Arai* in view of *Takahashi* would not have rendered the claimed subject matter obvious to one having ordinary skill in the art.

With regard to independent claims 5 and 10, the Examiner's position regarding obviousness is premised on the belief that the CMY of *Arai* corresponds to a "colorimetric value" as recited in claims 5 and 10. Applicants respectfully traverse the Examiner's position regarding obviousness on the ground that CMY values are not colorimetric values. In this regard, Applicants respectfully submit that those skilled in the art understand that CMY values are not colorimetric values. In support of their position, Applicants hereby attach a copy of a portion of a treatise entitled "Digital Color Management: Encoding Solutions." As shown in the treatise, the term "colorimetric value" is used in the field of color printing and color management to refer to, for example, CIE-XYZ values or CIE-L*a*b* values for use in colorimetry (see Appendix A (pages 439-445)). As such, the treatise demonstrates that those skilled in the art understand that CMY values are not colorimetric values.

Thus, for at least the foregoing reason, the combination of *Arai* in view of *Takahashi* does not disclose or suggest each and every feature of the subject matter defined in claims 5 and 10. As such, the combination of *Arai* in view of *Takahashi* would not have rendered the subject matter of claims 5 and 10 obvious to one having ordinary skill in the art.

Accordingly, for at least the foregoing reasons, as well as for the reasons set forth in the Amendment filed on May 16, 2007 (and received in the PTO on May 21, 2007), independent claims 1, 5, 6, and 10-12 are patentable under 35 U.S.C. § 103(a) over the combination of *Arai* in view of *Takahashi*. Claims 2-4, each of which depends from claim 1, and claims 7-9, each of which depends from claim 6, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Arai* in view of *Takahashi* for at least the same reasons set forth above regarding the applicable independent claim.

Application No. 10/700,722
Request for Reconsideration dated December 3, 2007
Response to Final Office Action mailed August 2, 2007

Provisional Obviousness-Type Double Patenting Rejection

Applicants acknowledge the provisional obviousness-type double patenting rejection of claims 11 and 12 as being unpatentable over claim 1 of copending Application No. 10/700,658 in view of *Takahashi*. Once allowable subject matter is identified in the subject application, Applicants will make a determination as to whether the submission of a terminal disclaimer is warranted.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-12, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP062).

Respectfully submitted,
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Attachment: Copy of a Portion of Treatise Entitled "Digital Color Management: Encoding Solutions" (7 pages)